THE HON'BLE SRI JUSTICE C.V. NAGARJUNA REDDY

WRIT PETITION No. 211 of 1998

Dated: 04.04.2007

Between:

Smt. T. Sarala

… Petitioner

AND

The Deputy Commissioner of Endowments,
Hyderabad & another.

… Respondents

Counsel for the petitioner : None

Counsel for respondent No.1 : Government Pleader for Endowments.

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WRIT PETITION No. 211 of 1998

ORDER:-

None appears for the petitioner.

Heard the learned Assistant Government Pleader for Endowments for respondent No.1 and the learned counsel for respondent No.2.

This writ petition is filed questioning the show cause notice dated 19.10.1997 whereunder the 2nd respondent called upon the petitioner to show cause why her services shall not be terminated as attender.

In the affidavit filed in support of the writ petition, it is averred that the show cause notice, which was issued based on G.O.Ms.No.212 dated 25.11.1993 is not sustainable as the said G.O. has no application to the appointments made under the Andhra Pradesh Charitable and Hindu Religious Institutions and Endowments Act, 1987. On this premise, the petitioner termed the said show cause notice as without jurisdiction.

Though no counter-affidavit is filed, from the facts of the

case I am of the view that the writ petition filed questioning the show cause notice is totally misconceived. The question whether provisions of G.O.Ms.No.212 apply to the petitioner's case or not is to be raised by the petitioner and the same has to be decided with reference to the said provisions by the authority, which issued the show cause notice. This is not a case where the Executive Officer under whom the petitioner is working ex facie lacks jurisdiction to issue the show cause notice.

As held by the Supreme Court in **SPECIAL DIRECTOR AND ANOTHER v MOHD. GHULAM GHOUSE AND ANOTHER**[1], the Courts would be loath to interdict the further proceedings at the show cause notice stage, unless it is shown that the show cause notice was totally *non est* in the eye of law for absolute want of jurisdiction of the authority to even investigate into the facts. The present writ petition is not one such case, which falls in the aforementioned exception.

The writ petition is therefore dismissed. No costs.

C.V. NAGARJUNA REDDY, J

Date: 04.04.2007
ES

[1] (2004) 3 SCC 440